

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 22, 2007

D049475 In re Tyler H.

The petition is denied. The request for stay is denied. McConnell, P.J.; We Concur: McIntyre, J., Aaron, J.

D049146 In re Katherine M. et al., Juveniles

The judgments and order are affirmed. McConnell, P.J.; We Concur: Benke, J., McDonald, J.

D047555 People v. Elmore

The judgment is affirmed. McDonald, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D047924 Chapman v. California State Personnel Board/The Board of Trustees of California

The judgment is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., Irion, J.

D047903 People v. Mendez

Judgment affirmed. Haller, J.; We Concur: Nares, Acting P.J., Irion, J.

D049464 In re Haygood on Habeas Corpus

The petition is denied.

D049554 Davis v. Superior Court of San Diego County/People

The petition is denied.

D049302 In re Jennifer P. et al.

The orders are affirmed. Nares, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D050043 Irma B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Irma B. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed because there are no viable issues for writ review. The case is dismissed.

D049966 Lauren D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Lauren D. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed because there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 22, 2007 (Continued)

D050012 Alice R. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Alice R. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed because there are no viable issues for writ review. The case as to Alice R. is dismissed.

D049629 Vera v. Workers' Compensation Appeals Board and State Compensation Insurance Fund

D049878 City of San Diego v. Workers' Compensation Appeals Board and James W. Brooks

The petitions for writ of review Vera v. Workers' Compensation Appeals Board, D049629 and City of San Diego v. Workers' Compensation Appeals Board, D049878 will be considered together. All briefs, motions, applications, and other documents shall be filed under the case number for the case to which they relate.

D049878 City of San Diego v. Workers' Compensation Appeals Board and James W. Brooks

Let a writ of review issue ordering the Workers' Compensation Appeals Board (the Board) to certify and return to this court any materials that were before the Board in making its decision in the matter of Brooks v. City of San Diego, SDO 275402, and are not contained in the petition for review currently before this court. These materials should be received by this court on or before February 23, 2007. Leave is granted to the Board to appear in these proceedings and to file a response by no later than March 9, 2007.

Real Parties may file an answer to the petition and the Board's response on or before March 29, 2007.

Petitioner may file a reply to the Board's response and Real Parties' answer on or before April 13, 2007.

Absent a written request on or before April 18, 2007, oral argument will be deemed waived.

If a party requests oral argument, the request should be in letter form with proof of service on the other parties. The letter should also identify the focus of the party's argument and the amount of time requested, not to exceed 15 minutes.

D049629 Vera v. Workers' Compensation Appeals Board and State Compensation Insurance Fund

Let a writ of review issue ordering the Workers' Compensation Appeals Board (the Board) to certify and return to this court any materials that were before the Board in making its decision in the matter of Vera v. State Compensation Insurance Fund, SDO 0318989, and are not contained in the petition for review currently before this court. These materials should be received by this court on or before February 23, 2007. Leave is granted to the Board to appear in these proceedings and to file a response by no later than March 9, 2007.

Real Parties may file an answer to the petition and the Board's response on or before March 29, 2007.

Petitioner may file a reply to the Board's response and Real Parties' answer on or before April 13, 2007.

Absent a written request on or before April 18, 2007, oral argument will be deemed waived.

If a party requests oral argument, the request should be in letter form with proof of service on the other parties. The letter should also identify the focus of the party's argument and the amount of time requested, not to exceed 15 minutes.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 22, 2007 (Continued)

D049389 Jauregui et al. v. Culture of Life Family Services

The petition for writ of supersedeas and the parties' letter briefs have been read and considered by Justices Benke, Aaron and Irion.

The temporary stay issued by this court on January 11, 2007 is vacated.

The petition for writ of supersedeas is granted, and all proceedings in the trial court including the December 8, 2006 order requiring the monthly deposit are stayed pending appeal.

The appeal is expedited. Respondent's brief is due on or before February 21, 2007. Appellant's reply brief may be filed on or before March 13, 2007. Rule time (Cal. Rules of Court, rule 8.220) will not apply. No extensions of time will be granted except on a strong showing of good cause. The appeal will be placed on the first available calendar following completion of the briefing, consistent with the workload of the court.

D049467 In re Geovanni O. on Habeas Corpus

The order to show cause is discharged as moot. The stay issued on October 5, 2006 is vacated. The petition is denied.

D049804 Simpson et al. v. Deutsche Bank AG et al.

Upon written request filed by appellants, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal Rules of Court, rule 8.244(c)(2)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 24, 2007

D047285 Manderville et al. v. PCG&S Group Inc., et al.

The judgment is reversed and the matter is remanded for further proceedings. Buyers shall recover their costs on appeal. CERTIFIED FOR PUBLICATION. Nares, J.;
We Concur: Benke, Acting P.J., Haller, J.

D049131 In re James S., a Juvenile

The judgment is affirmed. Benke, Acting P.J.; Huffman, J., Nares, J.

D046453 Ambriz v. Kelegian et al.

The judgment of the trial court is reversed. Costs are awarded to appellant. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: McConnell, P.J., Huffman, J.

D049509 In re Butler on Habeas Corpus

The petition is denied.

D050167 Duckor Spradling Metzger & Wynne v. Blackburn et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 25, 2007

D047325 O'Connor v. Qualcomm, Inc.

The order of the trial court is affirmed. Aaron, J.; We Concur: Benke, A.P.J., O'Rourke, J.

D047096 Inter@activate, Inc. v. Cubic Transportation Systems, Inc.

The order denying Cubic's motion to compel arbitration is reversed and the matter is remanded with directions that, pursuant to section 1281.6, if the parties cannot agree upon an arbitrator for this dispute, the court shall appoint an arbitrator. Appellant shall recover its costs on appeal. Nares, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D048994 In re Robert A., a Juvenile

The section 387 order is reversed and the matter is remanded to the juvenile court with directions to order Agency to comply with the notice provisions of ICWA, the relevant case law interpreting ICWA and the views expressed in this opinion, and to file all required documentation with the juvenile court for the court's inspection. If, after proper inquiry and notice, a tribe claims that Robert is an Indian child, the juvenile court shall proceed in conformity with all provisions of ICWA. If, on the other hand, no response is received or no tribe claims that Robert is an Indian child, the orders shall be reinstated. Irion, J.; I Concur: McDonald, J., I concur in the result: Huffman, Acting P.J.

D049123 In re Anthony S., a Juvenile

The judgment terminating parental rights is reversed and the case is remanded to the juvenile court to address Juan's current parental fitness as to Anthony and to make appropriate findings. If the court finds by clear and convincing evidence that Juan is unfit to parent Anthony, the judgment terminating parental rights is reinstated. If it does not make an unfitness finding, the court shall order six months of reunification services for Juan. In all other respects, the judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Nares, J.

D049303 In re Trinity F., a Juvenile

The judgment is reversed. This matter is remanded to the juvenile court, with directions to (1) vacate its disposition findings and orders issued on August 10, 2006, and (2) require the Agency to question maternal relatives as to Native American heritage, with subsequent noticing to the BIA and the Blackfeet Tribe in accordance with case law regarding ICWA. If, after proper notice is given, the child is determined not to be an Indian child for purposes of ICWA, the court shall reinstate all of its previous findings and orders made at the disposition hearing on August 10, 2006. The remittitur is to issue forthwith. Huffman, J.; We Concur: McConnell, P.J., Nares, J.

D048027 In re Jesus S., a Juvenile

The order committing Jesus to CYA is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 25, 2007 (Continued)

D048659 In re J.D., a Juvenile

The judgment is affirmed. Aaron, J.; We Concur: McDonald, J., O'Rourke, J.

D049195 People v. Bohlman

The judgment is affirmed. O'Rourke, J.; We Concur: McIntyre, Acting P.J., Aaron, J.

D047947 Eden-Silverstein v. Eden

The order is affirmed insofar as it denied Susan's petition for declaratory relief that she would not violate the Trust's no-contest clause by seeking to void the quitclaim deed or to quiet title to the Real Property. The order is reversed insofar as it denied her petition for a declaration that she would not trigger the application of the no-contest clause by seeking to enforce or reform the 1992 Marital Agreement. The matter is remanded to the trial court to vacate its prior order and to enter a new order consistent with this opinion. Each party is to bear her own costs of appeal. McIntyre, J.; I Concur: Haller, Acting P.J. Concurring and Dissenting Opinion: Aaron, J.

D048557 People v. Pounds

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D049298 San Diego Gas & Electric Company v. Superior Court of San Diego/Harris et al.

Let a writ of mandate issue directing the superior court to vacate that part of its August 16, 2006 order adding Nicole Miller as a plaintiff to the wrongful death cause of action. In all other respects, the petition is denied. The stay orders issued on September 1, 2006 and October 3, 2006 are vacated. Each party to bear its own costs on appeal. CERTIFIED FOR PUBLICATION McIntyre, J.; We Concur: Benke, Acting P.J., McDonald, J.

D050013 Venessa T. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Oscar M. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed. The case is dismissed.

D050120 Finkelstein v. Superior Court of San Diego/Bastuba et al.

The petition is denied.

D050078 Conservatorship of Person of Letourneau

Because appellant did not timely pay the filing fee, the appeal is dismissed.

D049855 Adoption of Curtis H., a Juvenile

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 25, 2007 (Continued)

D049625 In re Love on Habeas Corpus
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 26, 2007

D048962 Williams v. Superior Court of San Diego County/Mayes

Father's petition for writ of mandate is denied. The stay issued by this court on October 17, 2006 is vacated. The parties to bear their own costs. CERTIFIED FOR PUBLICATION. Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D049548 In re Harris on Habeas Corpus

The petition is denied.

D048635 In re Kellen V., a Juvenile

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., McIntyre, J.

**D047954 Panther v. Chapin, Fleming, McNitt, Shea & Carter et al./Mazzarella,
Dunwoody & Caldarelli, LLP v. Wood Green Investments Limited.**

Appeal dismissed. Respondents to recover their costs. Benke, Acting P.J.;
We Concur: McDonald, J., McIntyre, J.

D048912 People v. Winebarger

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., McDonald, J.

D049229 In re Khalil H., a Juvenile

The judgment is reversed and remanded with directions. Nares, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D049719 In re Martinez on Habeas Corpus

The petition is denied.

D048528 In re Joshua E., a Juvenile

The juvenile court's order declaring Joshua a ward is affirmed. McDonald, Acting P.J.;
We Concur: McIntyre, J., O'Rourke, J.

D048676 Stiles, Jr. v. Imperial Irrigation District

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2)).

D50127 In re Martinez on Habeas Corpus

The petition is denied.

D049646 In re Garrido on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 26, 2007 (Continued)

D049643 Leslie Farms Inc., et al. v. Superior Court of San Diego/Ortega et al.
The petition is denied.